

ASSEMBLY BILL

No. 1459

**Introduced by Assembly Member Kim
(Coauthor: Assembly Member Harper)**

February 27, 2015

An act to add Chapter 9 (commencing with Section 31495) to Division 17 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1459, as introduced, Kim. Toll facilities: County of Orange.

Existing law authorizes certain toll facilities on public highways.

This bill would prohibit a toll facility, as defined, to be implemented and constructed on a public highway within the boundaries of the County of Orange unless approved by a $\frac{2}{3}$ vote of the electorate in the county.

This bill would make legislative findings and declarations as to the necessity for special legislation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) In the State of California, traffic congestion management is
- 4 critical and the congestion management process is a systematic
- 5 approach, developed to provide for the safe and effective
- 6 management and operation of our local, state, and federal
- 7 transportation facilities.

1 (b) There are many ways to manage traffic congestion, including
2 toll facilities and high-occupancy toll lanes.

3 (c) In Orange County, for more than 20 years, Measure M, the
4 one-half cent sales tax for transportation improvements, has been
5 the major funding source for traffic congestion relief. Measure M
6 was first approved by Orange County voters in 1990, and renewed
7 by voters as Measure M2 for a 30-year extension in 2006. The
8 measure raises the sales tax in Orange County by one-half cent
9 through 2041. By the year 2041, the M2 program plans to deliver
10 approximately \$15.8 billion worth of transportation improvements
11 to Orange County.

12 (d) When Orange County voters approved Measure M2, there
13 was no mention in the ballot language of “high-occupancy toll
14 lanes” or “toll lanes” as an eligible project to receive funding. In
15 fact, while “toll lane” language was once considered to be included,
16 it was removed for fear that Measure M2 would not pass.

17 (e) In December of 2013, the Orange County Transportation
18 Authority (OCTA) approved a plan to widen the I-405 freeway
19 between Euclid Street and Interstate 605 with one lane in each
20 direction. This plan was sent to the Department of Transportation
21 for its approval. In July 2014, the department released its decision
22 to leverage this construction, paid for with Measure M2 dollars,
23 to build one toll lane in each direction that will combine with the
24 existing high-occupancy vehicle (HOV) lane to operate as a new
25 toll lane facility. The existing HOV lane will be combined with
26 the high-occupancy toll (HOT) lane so that there will be two
27 HOT/express lanes in each direction between SR-73 and the I-605.
28 The toll at peak usage is estimated to be \$9.91, in 2013 dollars,
29 for a one-way trip.

30 (f) It is the intent of the Legislature to protect the will of the
31 voters of Orange County and to require a vote of the residents of
32 Orange County to approve the construction of a toll lane on a
33 public highway in that county.

34 SEC. 2. Chapter 9 (commencing with Section 31495) is added
35 to Division 17 of the Streets and Highways Code, to read:

36
37 CHAPTER 9. ORANGE COUNTY TOLL FACILITIES
38

39 31495. (a) Notwithstanding any other provision of this
40 division, Article 3 (commencing with Section 90) of Chapter 1 of

1 Division 1, or any other law, a toll facility shall not be implemented
2 and constructed on a public highway within the boundaries of the
3 County of Orange unless approved by a two-thirds vote of the
4 electorate in the county.

5 (b) “Public highway” means a state or local agency highway,
6 road, or street and includes a bridge.

7 (c) “Toll facility” means a toll road, toll bridge, toll lane, or any
8 other facility on a public highway within boundaries of the County
9 of Orange for which a toll is to be charged, and includes the entire
10 length of the portion of the public highway that is subject to the
11 toll. “Toll facility” includes a high-occupancy toll lane.

12 (d) Nothing in this section prohibits charges imposed for parking
13 associated with a public highway.

14 SEC. 3. The Legislature finds and declares that a special law
15 is necessary and that a general law cannot be made applicable
16 within the meaning of Section 16 of Article IV of the California
17 Constitution because of the unique circumstances in the County
18 of Orange, where a new toll facility would have significant access
19 and economic impacts on the various communities along highway
20 routes within the county.